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I hereby certify under 37 C.F.R. § 1.8(a) that this correspondence is being deposited with the United States Postal Service as **first class mail** with sufficient postage on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Michelle P. Chicos

Printed name of person mailing correspondence

Michelle P. Chicos

Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant: Xinnian Dong et al. Art Unit: 1638
Serial No.: 08/908,884 Examiner: A. Kubelik
Filed: August 8, 1997 Customer No.: 21559
Title: ACQUIRED RESISTANCE GENES AND USES THEREOF

Assistant Commissioner for Patents
Washington, D.C. 20231

REPLY TO NOTICE OF
NON-COMPLIANT AMENDMENT (37 C.F.R. § 1.121)

In reply to the Notice of Non-Compliant Amendment which was mailed in connection with the above-captioned case on May 17, 2002, applicants submit the following:

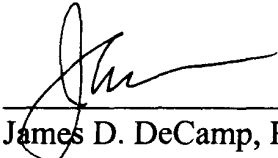
- ☒ A copy of the Preliminary Amendment which was filed with the U.S. Patent and Trademark Office on May 10, 2002;
- ☒ Version of Claims Showing Changes Made, Pursuant to 37 C.F.R. § 1.121(c)(1)(ii);
- ☒ Claims Pending After Entry of Amendment, Pursuant to 37 C.F.R. § 1.121(c)(3); and

☒ Petition to extend the period for replying to the Notice for one month, to and including July 17, 2002, and a check for \$55.00 in payment of the extension fee.

If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 10 July 2002



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Applicant: Xinnian Dong et al. Art Unit: 1638
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PRELIMINARY AMENDMENT

Prior to examination on the merits of the above-referenced continued prosecution application, kindly consider the following amendment and remarks based on the final Office Action mailed on March 12, 2001.

Please amend the application as follows.

In the Claims:

Amend claims 10-¹²~~13~~ as follows:

10. (Four Times Amended) An isolated nucleic acid molecule that hybridizes to a nucleic acid molecule comprising the genomic nucleic acid sequence of Fig. 4 (SEQ ID NO:1), wherein said isolated nucleic acid molecule encodes an acquired resistance polypeptide comprising an ankyrin repeat, said acquired resistance polypeptide conferring, on a plant expressing said polypeptide, resistance to a plant pathogen.